

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES M. PERKINS,

Defendant.

**4:17CR3114**

**ORDER**

On December 22, 2017, Defendant James M. Perkins filed a motion to suppress (Filing No. 38), alleging violations of his Fourth and Fifth Amendment rights during a traffic stop conducted by the Lincoln Police Department on August 9, 2017. On January 30, 2018, the court held an evidentiary hearing on Defendant's motion.

After considering the video and testimonial evidence as well as both parties' briefing in support and opposition of the motion, the undersigned has concluded that reasonable suspicion existed to extend the traffic stop and detain defendant pending the arrival of a drug dog. However, the court needs additional briefing on Defendant's alleged Fifth Amendment claims. Specifically, the parties will be afforded an opportunity to research and cite factually similar cases on the issues of whether Defendant was "in custody" and "interrogated" after the traffic stop was complete and before the drug dog arrived.

IT IS ORDERED that on or before February 27, 2018, counsel for both parties shall file a supplemental brief addressing the Fifth Amendment issues identified above.

Dated this 13th day of February, 2018.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge